

## CHAPTER 1049

### DEPARTMENT ON AGING PROGRAMS AND SERVICES

H.F. 2451

AN ACT relating to the programs and services under the purview of the department on aging.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 231.3, subsections 2, 3, and 4](#), Code 2018, are amended to read as follows:

2. Access to physical and mental health care and long-term living and community support services without regard to economic status.

3. Suitable and affordable housing that reflects the needs of older people individuals.

4. Full restorative services for those who require institutional care, and a comprehensive array of ~~home and community-based~~, long-term care living and community support services adequate to sustain older people in their communities and, whenever possible, in their homes, including support for caregivers.

Sec. 2. [Section 231.3](#), Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Access to comprehensive information and a community navigation system providing all available options related to long-term living and community support services that assist older individuals in the preservation of personal assets and the ability to entirely avoid or significantly delay reliance on entitlement programs.

Sec. 3. [Section 231.4, subsection 1](#), paragraphs j, k, and o, Code 2018, are amended to read as follows:

j. “*Home and community-based services*” means a continua of services available in an individual’s home or community which include but are not limited to case management services, options counseling, family caregiving, homemaker services, ~~home health aide~~, personal care services, adult day services, respite services, ~~congregate and~~ home delivered meals, nutrition counseling, nutrition education, and other medical and social services which contribute to the health and well-being of individuals and their ability to reside in a home or community-based care setting.

k. “*Legal representative*” means a tenant’s legal representative as defined in [section 231B.1](#) or [231C.2](#), or a resident’s guardian, conservator, ~~or attorney in fact of a resident~~ representative payee, or agent under a power of attorney.

o. “*Options counseling*” means a service involving an interactive process, which may include a needs assessment, directed by the recipient individual and which may include other participants of the individual’s choosing and the individual’s legal representative, in which the individual receives guidance to make informed choices about long-term living and community support services ~~and supports~~ in order to sustain independent living.

Sec. 4. [Section 231.14, subsection 1](#), paragraph g, Code 2018, is amended to read as follows:

g. Adopt a ~~formula~~ method for the distribution of federal Act and state funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of older individuals in the state, and publish the ~~formula~~ method for review and comment.

Sec. 5. [Section 231.23, subsection 8](#), Code 2018, is amended to read as follows:

8. Assist the commission in adopting a ~~formula~~ method for the distribution of funds available from the federal Act and state appropriations and allocations.

Sec. 6. [Section 231.23A](#), Code 2018, is amended to read as follows:

#### **231.23A Programs and services.**

The department on aging shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

1. ~~Services for older individuals including but not limited to home and community-based services such as adult day, assessment and intervention, transportation, chore, counseling, homemaker, material aid, personal care, reassurance, respite, visitation, caregiver support, emergency response system, mental health outreach, and home repair, persons with disabilities eighteen years of age and older, family caregivers, and veterans as defined by the department in the most current version of the department's reporting manual and pursuant to the federal Act and regulations.~~

2. The older American community service employment program.

3. ~~The case~~ Case management program for frail elders services.

4. The aging and disability resource center.

5. The legal assistance development program.

6. The nutrition and health promotion program.

7. ~~Administration relating to the area agencies on aging~~ The Iowa family caregiver program.

8. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.

9. Other programs and services authorized by law.

Sec. 7. [Section 231.32, subsection 1](#), Code 2018, is amended to read as follows:

1. The commission shall designate an area agency on aging for each planning and service area. The commission shall continue the designation until an area agency on aging's designation is removed for cause as determined by the commission, until the time of renewal or the annual update of an area plan, until the agency voluntarily withdraws as an area agency on aging, or until a change in the designation of planning and service areas or area agencies on aging is required by state or federal law. In that event, the commission shall proceed in accordance with [subsections 2, 3, and 4](#). Designated area agencies on aging shall comply with the requirements of the federal Act.

Sec. 8. [Section 231.32, subsection 2](#), paragraph d, Code 2018, is amended to read as follows:

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department on aging and which can and will engage only in the planning or provision of a broad range of supportive long-term living and community support services or nutrition services within the planning and service area.

Sec. 9. [Section 231.33, subsections 1 and 3](#), Code 2018, are amended to read as follows:

1. Develop and administer an area plan on aging approved by the commission.

3. Enter into ~~subgrants or~~ contracts to provide services under the plan.

Sec. 10. [Section 231.33](#), Code 2018, is amended by adding the following new subsection:  
NEW SUBSECTION. 22. Encourage the development of public and private partnerships, entrepreneurial activities, and other mutually collaborative efforts.

Sec. 11. [Section 231.42, subsection 4](#), paragraph a, Code 2018, is amended to read as follows:

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals, the department of human services, the department on aging, or the appropriate law enforcement agency, as applicable. ~~The state or a local long-term care ombudsman shall cooperate, if requested, with the department of inspections and appeals, department of human services, department on aging, or any law enforcement agency pursuant to any investigation of such abuse, neglect, or exploitation.~~

Sec. 12. [Section 231.42, subsection 6](#), paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:

The state or a local long-term care ombudsman or certified volunteer long-term care ombudsman shall have access to the medical and social records of a resident or tenant, if any of the following applies:

Sec. 13. [Section 231.42, subsection 6](#), paragraph b, Code 2018, is amended to read as follows:

b. Records may be reproduced by the state or a local long-term care ombudsman or by a certified volunteer long-term care ombudsman.

Sec. 14. [Section 231.53](#), Code 2018, is amended to read as follows:

**231.53 Coordination with Workforce Investment Innovation and Opportunity Act.**

The older American community service employment program shall be coordinated with the federal Workforce ~~Investment~~ Innovation and Opportunity Act administered by the department of workforce development.

Sec. 15. [Section 231.56](#), Code 2018, is amended to read as follows:

**231.56 Services and programs.**

The department shall administer long-term living and community support services and programs that allow older individuals to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals, and provide a continuum of care for older individuals and individuals with disabilities, ~~and secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.~~ Funds appropriated for this purpose shall be allocated based on administrative rules adopted by the commission. The department shall require such records as needed to administer [this section](#).

Sec. 16. [Section 231.56A, subsection 1](#), Code 2018, is amended to read as follows:

1. The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in, ~~investigation of,~~ and response to elder abuse, neglect, and exploitation including financial exploitation.

Sec. 17. [Section 231.64](#), Code 2018, is amended to read as follows:

**231.64 Aging and disability resource center.**

1. The aging and disability resource center shall be administered by the department consistent with the federal Act. The department shall designate area agencies on aging to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated system for providing all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term ~~care programs~~ living and community support services, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. Options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances. The plan for long-term ~~care~~ living and community support services may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term ~~care programs~~ living and community support services for which consumers may be eligible, by serving as a convenient point of entry for such ~~programs~~ services. The aging and disability resource center shall offer information online and be available via a toll-free telephone number, electronic communications, and in person.

2. The aging and disability resource center shall assist older individuals, persons with disabilities age eighteen or older, family caregivers, and people who inquire about or request

assistance on behalf of members of these groups, as they seek long-term care living and community support services ~~and community supports~~.

Sec. 18. REPEAL. [Section 231.2](#), Code 2018, is repealed.

Approved March 28, 2018